

Amendment No. 22

Assembly Amendment to Assembly Bill No. 122	(BDR 32-728)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 122--ASSEMBLYMEN YEAGER AND HAFEN

FEBRUARY 9, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to tobacco. (BDR 32-728)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to tobacco; providing an exception to the age verification requirements governing the sale, distribution or offering for sale of tobacco products **for a face-to-face transaction that occurs** within certain areas of a casino; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a person from selling, distributing or offering to sell cigarettes,
2 cigarette paper or other tobacco products to any person under 40 years of age without first
3 performing age verification. (NRS 370.521) This bill provides an exception to that
4 requirement, allowing the sale, distribution or offering of tobacco products without age
5 verification **in a face-to-face transaction that occurs** within an area of a casino where
6 persons under the age of 21 years are already prohibited from loitering. This bill becomes
7 effective upon its passage by the Legislature and approval by the Governor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 370.521 is hereby amended to read as follows:
2 370.521 1. Except as otherwise provided in subsections 2, 4 and 5, a person
3 shall not sell, distribute or offer to sell cigarettes, cigarette paper, any product
4 containing, made or derived from tobacco, any vapor product, any alternative
5 nicotine product or any product containing, made or derived from nicotine to any
6 person under the age of 21 years.
7 2. A person shall be deemed to be in compliance with the provisions of
8 subsection 1 if, before the person sells, distributes or offers to sell to another any
9 item described in subsection 1, the person:
10 (a) Demands that the other person present a valid driver’s license, permanent
11 resident card, tribal identification card or other written or documentary evidence
12 which shows that the other person is 21 years of age or older;
13 (b) Is presented a valid driver’s license, permanent resident card, tribal
14 identification card or other written or documentary evidence which shows that the
15 other person is 21 years of age or older; and

1 (c) Reasonably relies upon the driver's license, permanent resident card, tribal
2 identification card or other written or documentary evidence presented by the other
3 person.

4 3. ~~(A)~~ *Except as otherwise provided in this subsection, a person shall not*
5 *sell, distribute or offer to sell cigarettes, cigarette paper or other tobacco products to*
6 *any person under 40 years of age without first performing age verification through*
7 *enhanced controls that utilize a scanning technology or other automated, software-*
8 *based system to verify that the person is 21 years of age or older. A person who*
9 *violates this subsection is liable for a civil penalty of \$100 for each offense. The*
10 *provisions of this subsection do not apply to a person selling, distributing or*
11 *offering to sell cigarettes, cigarette paper or other tobacco products in a face-to-*
12 *face transaction that occurs in an area within a casino where loitering by persons*
13 *who are under 21 years of age is already prohibited pursuant to NRS 463.350. As*
14 *used in this subsection, "casino" means an establishment which holds a*
15 *nonrestricted license as defined in NRS 463.0177 and which is operating 16 or*
16 *more slot machines together with any other game, race book or sports pool.*

17 4. The employer of a person who is under 21 years of age may, for the
18 purpose of allowing the person to handle or transport any item described in
19 subsection 1 in the course of the person's lawful employment, provide an item
20 described in subsection 1 to the person under 21 years of age.

21 5. The provisions of this section do not apply to any product regulated by the
22 United States Food and Drug Administration under Subchapter V of the Federal
23 Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

24 6. A person who violates subsection 1 is liable for a civil penalty of:

25 (a) For the first violation within a 24-month period, \$100.

26 (b) For the second violation within a 24-month period, \$250.

27 (c) For the third and any subsequent violation within a 24-month period, \$500.

28 7. If an employee or agent of a licensee has violated subsection 1:

29 (a) For the first and second violation within a 24-month period at the same
30 premises, the licensee must be issued a warning.

31 (b) For the third violation within a 24-month period at the same premises, the
32 licensee is liable for a civil penalty of \$500.

33 (c) For the fourth violation within a 24-month period at the same premises, the
34 licensee is liable for a civil penalty of \$1,250.

35 (d) For the fifth and any subsequent violation within a 24-month period at the
36 same premises, the licensee is liable for a civil penalty of \$2,500.

37 8. A peace officer or any person performing an inspection pursuant to NRS
38 202.2496 may issue a notice of infraction for a violation of this section. A notice of
39 infraction must be issued on a form prescribed by the Department and must contain:

40 (a) The location at which the violation occurred;

41 (b) The date and time of the violation;

42 (c) The name of the establishment at which the violation occurred;

43 (d) The signature of the person who issued the notice of infraction;

44 (e) A copy of the section which allegedly is being violated;

45 (f) Information advising the person to whom the notice of infraction is issued
46 of the manner in which, and the time within which, the person must submit an
47 answer to the notice of infraction; and

48 (g) Such other pertinent information as the peace officer or person performing
49 the inspection pursuant to NRS 202.2496 determines is necessary.

50 9. A notice of infraction issued pursuant to subsection 8 or a facsimile thereof
51 must be filed with the Department and retained by the Department and is deemed to
52 be a public record of matters which are observed pursuant to a duty imposed by law
53 and is prima facie evidence of the facts alleged in the notice.

1 10. A person to whom a notice of infraction is issued pursuant to subsection 8
2 shall respond to the notice by:

3 (a) Admitting the violation stated in the notice and paying to the State of
4 Nevada the applicable civil penalty set forth in subsection 3, 6 or 7.

5 (b) Denying liability for the infraction by notifying the Department and
6 requesting a hearing in the manner indicated on the notice of infraction. Upon
7 receipt of a request for a hearing pursuant to this paragraph, the Department shall
8 provide the person submitting the request an opportunity for a hearing pursuant to
9 chapter 233B of NRS.

10 11. Any money collected by the State of Nevada from a civil penalty pursuant
11 to this section must be deposited in a separate account in the State General Fund to
12 be used for the enforcement of this section and NRS 202.2493 and 202.2494.

13 12. As used in this section, "licensee" means a person who holds a license
14 issued by the Department pursuant to this chapter.

15 **Sec. 2.** This act becomes effective upon passage and approval.